

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 17-544 (DSD/BRT)

Donald Allen Ellis,

Petitioner,

v.

ORDER

Kathy M. Halvorson,

Respondent.

This matter is before the court upon the objections by pro se plaintiff Donald Allen Ellis to the October 15, 2019, report and recommendation of Magistrate Judge Steven E. Rau (R&R). The magistrate judge recommends that the court (1) deny Ellis's petition under 28 U.S.C. § 2254 for writ of habeas corpus, (2) deny Ellis's motion to remove respondent's counsel, and (3) dismiss the action with prejudice. Ellis has objected to the R&R on several grounds, all of which restate his arguments made before the magistrate judge.

The court reviews the R&R de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). After a thorough review of the file and record, the court finds that the R&R is well-reasoned and correct. For the reasons stated in the R&R, Ellis is not entitled to an evidentiary hearing, the relief sought in the petition, or a certificate of appealability. The court also finds no basis to grant Ellis's recent request for the

appointment of counsel.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The objection to the R&R [ECF No. 30] is overruled;
2. The R&R [ECF No. 29] is adopted in its entirety;
3. The motion to remove counsel [ECF No. 28] is denied;
4. The motion for the appointment of counsel and for an evidentiary hearing [ECF No. 35] is denied;
5. A certificate of appealability shall not issue; and
6. The action is dismissed with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 22, 2019

s/David S. Doty
David S. Doty, Judge
United States District Court